

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 6, 2014

The House convened at 12:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor David Hussey, followed by the Pledge of Allegiance led by House page Madison Mead.

Roll Call: All members present except Reps. Jenna Hagggar and Schrempp who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 164 which was tabled.

Respectfully submitted,
Charles B. Hoffman, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 181 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 172 and returns the same with the recommendation that said bill be amended as follows:

172yb

On page 2 of the Senate Health and Human Services Committee engrossed bill, delete lines 10 to 13, inclusive, and insert:

"unless employed by Delta Dental Plan of South Dakota, a nonprofit dental service corporation organized under chapter 58-39, providing services through written agreement with the Indian Health Service or a federally recognized tribe in South Dakota. The exemption for a dental hygienist employed by Delta Dental Plan of South Dakota providing services through written agreement with the Indian Health Service or a federally recognized tribe in South Dakota expires on June 30, 2016."

And that as so amended said bill do pass.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Appropriations respectfully reports that it has had under consideration SB 137 and returns the same with the recommendation that said bill be amended as follows:

1 137nb

2 On page 1, line 4, of the Senate engrossed bill, delete "one dollar (\$1)" and insert
3 "thirty-eighty dollars (\$38)".

4 And that as so amended said bill do pass.

5 Respectfully submitted,
6 Fred W. Romkema, Chair

7 Also MR. SPEAKER:

8 The Committee on Transportation respectfully reports that it has had under consideration
9 SB 13 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Transportation respectfully reports that it has had under consideration
12 SB 36 and returns the same with the recommendation that said bill do pass and be placed on the
13 consent calendar.

14 Also MR. SPEAKER:

15 The Committee on Transportation respectfully reports that it has had under consideration
16 SB 179 which was deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 Mike Verchio, Chair

19 **MESSAGES FROM THE SENATE**

20 MR. SPEAKER:

21 I have the honor to return herewith HCR 1021 and 1022 in which the Senate has concurred.

22 Also MR. SPEAKER:

23 I have the honor to return herewith HB 1087, 1100, and 1113 which have been amended
24 by the Senate and your concurrence in the amendments is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HB 1096, 1118, 1165, 1184, 1199, and 1229 and
3 HJR 1001 which have passed the Senate without change.

4 Respectfully,
5 Jeannette Schipper, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HOUSE PAGE RESOLUTION 4 Introduced by: Representatives Anderson; Bartling;
8 Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
9 Erickson; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar (Don); Haggar (Jenna);
10 Hajek; Hawks; Hawley; Heinemann, Heinert, Hickey; Hoffman; Hunhoff (Bernie); Johns;
11 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
12 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
13 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
14 Schrempp, Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
15 Wick; Wink; Wismer.

16 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
17 of the Eighty-ninth Legislature of the State of South Dakota to Catherine Chaney, Joshua
18 DeGroot, Nicole Hamilton, Sarah Knust, Mary Martin, Teagan McNary, Madison Mead,
19 Josph Updike.

20 WHEREAS, the above named served loyally as pages for the House of Representatives of
21 the Eighty-ninth Legislative Session; and

22 WHEREAS, the members of the Eighty-ninth House of Representatives express their most
23 sincere appreciation to these young people for their service to the state; and

24 WHEREAS, the members extend to these young people their wishes for every success in
25 life:

26 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
27 ninth Legislature of the State of South Dakota, that a personal copy of this resolution be duly
28 certified and furnished to each page on this last day of service.

29 Rep. Westra moved that House Page Resolution 4 be adopted.

30 Which motion prevailed and the resolution was adopted.

1 Rep. Don Haggar moved that the House do concur in Senate amendments to HB 1120.

2 The question being on Rep. Don Haggar's motion that the House do concur in Senate
3 amendments to HB 1120.

4 And the roll being called:

5 Yeas 67, Nays 0, Excused 3, Absent 0

6 Yeas:

7 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
8 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
9 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
10 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
11 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
12 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
13 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

14 Excused:

15 Haggar (Jenna); Munsterman; Schrempp

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the motion carried and the amendments were concurred in.

18 Rep. Johns moved that the House do concur in Senate amendments to HB 1192.

19 The question being on Rep. Johns' motion that the House do concur in Senate amendments
20 to HB 1192.

21 And the roll being called:

22 Yeas 67, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
25 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
26 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
27 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
28 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
29 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
30 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

31 Excused:

32 Haggar (Jenna); Munsterman; Schrempp

33 So the motion having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the motion carried and the amendments were concurred in.

CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Lust moved that the reports of the Standing Committees on
State Affairs on SB 1 as found on page 642 of the House Journal; also
State Affairs on SB 158 as found on page 643 of the House Journal; also
Appropriations on SB 44 as found on page 643 of the House Journal; also
Appropriations on SB 53 as found on page 643 of the House Journal; also
Appropriations on SB 177 as found on page 644 of the House Journal; also
Judiciary on SB 23 as found on page 645 of the House Journal; also
Judiciary on SB 25 as found on page 645 of the House Journal; also
Commerce and Energy on SB 99 as found on page 646 of the House Journal be adopted.
Which motion prevailed.

SECOND READING OF CONSENT CALENDAR ITEMS

Rep. Greenfield requested that SB 118 be removed from the Consent Calendar.
Which request was granted.

SB 145: FOR AN ACT ENTITLED, An Act to encourage schools to provide instruction
in cardiopulmonary resuscitation.

Was read the second time.

The question being "Shall SB 145 pass as amended?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
4 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
5 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
8 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Excused:

10 Haggar (Jenna); Munsterman; Schrempp

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 SB 26: FOR AN ACT ENTITLED, An Act to establish certain electronic crime victim
14 notification procedures.

15 Was read the second time.

16 The question being "Shall SB 26 pass?"

17 And the roll being called:

18 Yeas 67, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
21 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
22 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
23 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
24 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
25 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
26 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

27 Excused:

28 Haggar (Jenna); Munsterman; Schrempp

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the bill passed and the title was agreed to.

31 SB 68: FOR AN ACT ENTITLED, An Act to adopt the uniform real property electronic
32 recording act, to use an existing funding source to implement the provisions of this Act, and to
33 revise certain provisions concerning electronic recording.

34 Was read the second time.

1 The question being "Shall SB 68 pass?"

2 And the roll being called:

3 Yeas 67, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
6 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
7 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
8 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
9 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
10 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
11 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

12 Excused:

13 Haggar (Jenna); Munsterman; Schrempp

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 81: FOR AN ACT ENTITLED, An Act to prohibit the possession of certain items in
17 jails, to provide a penalty therefor, and to revise the penalty for the procurement of certain items
18 into a jail.

19 Was read the second time.

20 The question being "Shall SB 81 pass as amended?"

21 And the roll being called:

22 Yeas 67, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
25 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek;
26 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
27 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson;
28 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
29 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele;
30 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

31 Excused:

32 Haggar (Jenna); Munsterman; Schrempp

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

SB 125: FOR AN ACT ENTITLED, An Act to prohibit registered sex offenders from loitering in certain areas.

Was read the second time.

The question being "Shall SB 125 pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Haggar (Jenna); Munsterman; Schrempp

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

Rep. Lust moved that SB 176, 157, 106, 85, 28, 94, 17, 16, 20, 141, 37, 38, 18, and 15 be deferred to Monday, March 10, the 33rd legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1030, 1036, 1050, 1058, 1077, 1081, 1104, 1110, 1119, 1126, 1154, 1163, and 1167 were delivered to his Excellency, the Governor, for his approval at 9:15 a.m., March 6, 2014.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1033, 1054, 1096, 1118, 1165, 1184, 1185, 1199, and
4 1229 and HJR 1001 and finds the same correctly enrolled.

5 Respectfully submitted,
6 Brian G. Gosch, Chair

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

9 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
10 open enrollment application review process of siblings of open enrolled students.

11 HB 1054: FOR AN ACT ENTITLED, An Act to establish consumer protection standards
12 regarding certain insurance claim practices and to provide for certain penalties.

13 HB 1096: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
14 challenging of certain election petitions.

15 HB 1118: FOR AN ACT ENTITLED, An Act to clarify certain provisions about
16 discharging firearms in safety zones.

17 HB 1165: FOR AN ACT ENTITLED, An Act to adopt the Uniform Deployed Parents
18 Custody and Visitation Act.

19 HB 1184: FOR AN ACT ENTITLED, An Act to declare the fourth Saturday in July Day
20 of the American Cowboy.

21 HB 1185: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
22 nonresident waterfowl licenses.

23 HB 1199: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
24 provisions regarding family law.

25 HB 1229: FOR AN ACT ENTITLED, An Act to provide for the reporting of certain
26 person's names to the National Instant Criminal Background Check System.

27 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
28 general election an amendment to Article III, section 25 of the Constitution of the State of South
29 Dakota, relating to the authorization of roulette, keno, and craps in the City of Deadwood.

30 SB 9: FOR AN ACT ENTITLED, An Act to revise provisions related to the Interim
31 Appropriations Committee.

1 SB 27: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
2 natural resources conservation fund to the State Conservation Commission and to declare an
3 emergency.

4 SB 31: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain
5 family physicians who have complied with the requirements of the recruitment assistance
6 program and to declare an emergency.

7 SB 32: FOR AN ACT ENTITLED, An Act to revise previous appropriations for National
8 Guard armory construction, to make an appropriation for a land purchase adjacent to the
9 Watertown armory, and to declare an emergency.

10 SB 69: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding good
11 cause for voluntarily leaving employment.

12 SB 75: FOR AN ACT ENTITLED, An Act to prohibit local governments from enacting,
13 maintaining, or enforcing regulations on certain dog breeds.

14 SB 77: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
15 provisions regarding county prisoners.

16 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
17 purchases, sales, and contracts made by public officers with the state or its political subdivisions
18 and to revise certain provisions concerning agreements or other transactions of the South Dakota
19 Housing Development Authority.

20 SB 84: FOR AN ACT ENTITLED, An Act to update certain statutes relating to notification
21 of certain transfers.

22 SB 97: FOR AN ACT ENTITLED, An Act to revoke professional or trade licensure
23 obtained through false degrees.

24 SB 102: FOR AN ACT ENTITLED, An Act to provide that, upon completion of certain
25 proceedings, magistrate judges may return or dispose of property taken in as evidence.

26 SB 124: FOR AN ACT ENTITLED, An Act to revise certain reimbursement provisions
27 relating to legislators-elect and newly appointed legislators.

28 SB 186: FOR AN ACT ENTITLED, An Act to revise certain electronic driver license
29 renewal requirements and to authorize electronic upgrades of restricted minor's permits.

30 SJR 1: A JOINT RESOLUTION, Making formal application to Congress to lawfully
31 recognize the ratification of the 26th amendment of the United States Constitution, which
32 ensures the right to vote to all citizens over the age of eighteen.

33 And signed the same in the presence of the House.

1 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
2 1:07 p.m. the House adjourned.

3
Arlene Kvislen, Chief Clerk